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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/681,408	03/30/2001	Anthony G. Casciano	17243-00039	3200

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EXAMINER

BASHORE, ALAIN L

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 07/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/681,408

Applicant(s)

CASCIANO, ANTHONY G.

Examiner

Alain L. Bashore

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11-27-02 and 3-6-03.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-58 is/are pending in the application.
- 4a) Of the above claim(s) 28-36 and 45-53 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27, 37-44 and 54-58 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 November 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Restart of Reply Period***

1. The period to reply is restarted with the mailing of this office action. The reference to King inadvertently missing is hereby included.

### ***Election/Restrictions***

2. Applicant's election with traverse of Group II (claims 1-27, 37-44, and 54-58) in Paper No. 14 is acknowledged. The traversal is on the ground(s) that both groups are encompassed within class 705, subclass 36. This is not found persuasive because the claims are distinct for the reasons given.

The requirement is still deemed proper and is therefore made FINAL.

3. This application contains claims 28-36 and 45-53 are drawn to an invention nonelected with traverse in Paper No. 14. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

### ***Inventorship***

4. The written consent of assignee requirement is hereby withdrawn. Applicant's arguments are found convincing.

5. In view of the papers filed 26 March 2002 and applicant's argument regarding written consent of assignee filed 3-14-03, it has been found that this nonprovisional application, as filed, through error and without deceptive intent, improperly set forth the inventorship, and accordingly, this application has been corrected in compliance with 37 CFR 1.48(a). The inventorship of this application has been changed by addition of inventors: Steven Sanicola and Karen L. Savoca.

A corrected filing receipt will be issued, and correction made to PALM data reflecting inventorship as corrected.

### ***Drawings***

6. The corrected or substitute drawings were received on 11-27-02. These drawings are approved.

### ***Claim Rejections - 35 USC § 112***

7. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

8. Claims 1-27, 54-58 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application

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was filed, had possession of the claimed invention. There is claimed a "deal" which meets and bounds are now defined by amendment to the specification as new matter.

### ***Specification***

9. The amendment filed 11-27-02 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: "A deal is defined as any loan portfolios, leases, finances, and any other financial activity".

Applicant is required to cancel the new matter in the reply to this Office Action.

### ***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 1-5, 37, 55-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Field in view of Chaudhuri et al (207) in further view of King.

Field discloses a method for facilitating use of a pricing model for evaluating a deal. Claims are entered (col 5, lines 30-50), where each claim is an element of the deal that is to be reviewed as part of collection statistics (deal evaluation). Trigger levels are entered for the claims where each level assigned indicates an anticipated level of effort to review the claims (col 20, lines 4-10). Expected collections are determined (col 5, lines 55-67).

Field does not disclose workload drivers.

Chaudhuri et al (207) discloses allocating workload drivers and trigger levels for a database (col 2, lines 14-67).

It would have been obvious to one with ordinary skill in the art to to include allocating expenses based upon workload drivers and their trigger levels to Field because Chaudhuri et al (207) teaches workload database considerations is used to optimize database performance (col 1, lines 24-33).

Field and Chaudhuri et al (207) does not disclose a deal that includes a portfolio of loans and allocation of portfolio and underwriting expenses based upon workload drivers and corresponding triggers.

King discloses a deal that includes loans (col 1, lines 23-67) and allocation of portfolio and underwriting expenses corresponding to the loans (col 20, lines 19-22).

It would have been obvious to one with ordinary skill in the art to include to Field in view of Chaudhuri et al (207) a deal that includes a portfolio of loans and allocation of portfolio and underwriting expenses based upon workload drivers and corresponding triggers because King teaches that debt and equity instruments are utilized for transfer of funds (col 1, lines 30-38) and Field teaches on type of instrument (a claim pool).

It would have been obvious to one with ordinary skill in the art to include to Field in view of Chaudhuri et al (207) a deal that includes allocation of portfolio and underwriting expenses based upon workload drivers and corresponding triggers because King teaches expenses as a cost of doing business (col 20, line 19).

12. Claims 7 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Field in view of Chaudhuri et al (207).

Field discloses a method for facilitating use of a pricing model for evaluating a deal. Claims are entered (col 5, lines 30-50), where each claim is an element of the deal that is to be reviewed as part of collection statistics (deal evaluation). Trigger levels are entered for the claims where each level assigned

indicates an anticipated level of effort to review the claims (col 20, lines 4-10). Expected collections are determined (col 5, lines 55-67).

Field does not disclose workload drivers.

Chaudhuri et al (207) discloses allocating workload drivers and trigger levels for a database (col 2, lines 14-67).

It would have been obvious to one with ordinary skill in the art to include allocating expenses based upon workload drivers and their trigger levels to Field because Chaudhuri et al (207) teaches workload database considerations is used to optimize database performance (col 1, lines 24-33).

13. Claims 6, 8-16, 38-44 rejected under 35 U.S.C. 103(a) as being unpatentable over Field in view of Chaudhuri et al (207) in further view of King as applied to claims 1-5, 37, 55-58 above, and further in view of Freeman et al.

Claims 8, 18-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Field in further view of Chaudhuri et al (207) as applied to claims 7 and 17 above, and further in view of Freeman et al.



Neither King, Field, or Chaudhuri et al (207) disclose the specific data recited in claims 6, 8-16, 18-27 and 38-44.

Freeman et al discloses financial data including loan data (col 8, lines 9-11, 39-45; col 13, lines 48-59).

It would have been obvious to one with ordinary skill in the art to include loan data and loan portfolios because Freeman et al teaches the importance of loan portfolio management ( col 1, lines 9-54).

### ***Conclusion***

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

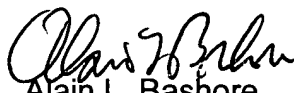
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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alain L. Bashore whose telephone number is 703-308-1884. The examiner can normally be reached on about 7:00 am to 4:30 pm (Monday thru Thursday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 703-308-1065. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-1113.

  
Alain L. Bashore  
July 14, 2003

  
HANI M. KAZIMI  
PRIMARY EXAMINER